

PATENT COOPERATION TREATY

KAF

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

MERCHANT & GOULD P.C.
Attn. Bruess, Steven C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
UNITED STATES OF AMERICA

14377.1US01 JCR
ATY IDS US/PTA: NOV. 14, 2004

ATY IDS US: JAN. 15, 2004 DV

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

ATY RESP SR/VO: DEC. 15, 2004

(PCT Rule 44.1)

DV

Applicant's or agent's file reference

14377.1WO01 ✓

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/US2004/021098

International filing date

(day/month/year)

30/06/2004

Applicant

KLIPPEN, Michelle

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90**bis**.1 and 90**bis**.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
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Authorized officer

Laura Fernández Gómez

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 14377.1W001 ✓	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2004/021098	International filing date (day/month/year) 30/06/2004	(Earliest) Priority Date (day/month/year) 17/07/2003
Applicant KLIPPEN, Michelle		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the title,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US2004/021098

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F13/15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 475 199 B1 (GANN DIANA LYNNE ET AL) 5 November 2002 (2002-11-05) figure 9 column 15, line 54 - column 16, line 51	1-4, 6-10, 13-18, 21,22
Y	the whole document	5
X	EP 0 354 172 A (LEONE DEMETRIO) 7 February 1990 (1990-02-07) column 1, line 9 - line 15 column 1, line 37 - column 2, line 34 column 3, line 13 - line 25 column 3, line 55 - line 57 column 4, line 13 - line 33 ----- -/-	1-4,6,7, 9-11, 13-15, 17,18, 20-22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

8 October 2004

Date of mailing of the international search report

15/10/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Settele, U

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/021098

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 594 835 A (GRAY ROY F) 17 June 1986 (1986-06-17) figures 1,2 column 1, line 8 - line 30 column 1, line 49 - column 2, line 9 column 3, line 1 - line 4 -----	1,3,6-8, 13-17, 20,21
X	GB 627 218 A (INTERNAT CELLU COTTON PRODUCTS) 3 August 1949 (1949-08-03) page 1, line 32 - line 82 page 2, line 57 - line 67 -----	1,4,6, 17,21
P,X	EP 1 400 223 A (WINKLER & DUENNEBIER AG) 24 March 2004 (2004-03-24) column 3, line 8 - line 9 column 5, line 40 - line 44 -----	1,3,9, 10,17,18
Y	GB 2 366 730 A (MACNEIL MIRIAM CHRISTINA) 20 March 2002 (2002-03-20) page 1 -----	5
A	US 2002/117419 A1 (MURPH NEFETARI BORDAIN ET AL) 29 August 2002 (2002-08-29) the whole document -----	1-22
A	US 5 986 165 A (KUBALEK RICHARD W ET AL) 16 November 1999 (1999-11-16) the whole document -----	1-22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/021098

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6475199	B1	05-11-2002	AT 260082 T AU 3750099 A CA 2329748 A1 DE 69915050 D1 DE 69915050 T2 EP 1075242 A1 JP 2002512849 T WO 9955270 A1	15-03-2004 16-11-1999 04-11-1999 01-04-2004 05-08-2004 14-02-2001 08-05-2002 04-11-1999
EP 0354172	A	07-02-1990	EP 0354172 A1	07-02-1990
US 4594835	A	17-06-1986	AT 11761 T AU 551630 B2 AU 7385981 A BE 889935 A1 DE 3131598 A1 DE 8123442 U1 DK 356281 A ,B, EP 0046021 A1 FI 812477 A FR 2488214 A1 IE 51814 B1 IT 1137867 B JP 2018854 B JP 57059527 A LU 83543 A1 NO 812573 A ,B, ZA 8105156 A	15-02-1985 08-05-1986 18-02-1982 11-02-1982 29-04-1982 14-01-1982 12-02-1982 17-02-1982 12-02-1982 12-02-1982 01-04-1987 10-09-1986 26-04-1990 09-04-1982 01-12-1981 12-02-1982 25-08-1982
GB 627218	A	03-08-1949	NONE	
EP 1400223	A	24-03-2004	DE 10243156 A1 EP 1400223 A1	25-03-2004 24-03-2004
GB 2366730	A	20-03-2002	NONE	
US 2002117419	A1	29-08-2002	AU 768136 B2 AU 2359500 A BR 9916293 A CA 2353935 A1 CN 1334777 T CZ 20012091 A3 EG 22329 A EP 1140662 A1 ID 29886 A JP 2002532350 T PL 348811 A1 TR 200101652 T2 WO 0035776 A1 US 2003155265 A1	04-12-2003 03-07-2000 16-10-2001 22-06-2000 06-02-2002 14-08-2002 31-12-2002 10-10-2001 18-10-2001 02-10-2002 17-06-2002 22-10-2001 22-06-2000 21-08-2003
US 5986165	A	16-11-1999	US 5891127 A US 5827251 A AU 743603 B2 AU 1197499 A BR 9813625 A CA 2314185 A1 CN 1284847 T	06-04-1999 27-10-1998 31-01-2002 05-07-1999 28-08-2001 24-06-1999 21-02-2001

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/021098

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5986165	A	EP 1039865 A1	04-10-2000
		JP 2002508216 T	19-03-2002
		RU 2195909 C2	10-01-2003
		TW 389690 B	11-05-2000
		WO 9930659 A1	24-06-1999
		US 5964741 A	12-10-1999
		ZA 9809729 A	04-05-1999
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/021098

International filing date (day/month/year)
30.06.2004

Priority date (day/month/year)
17.07.2003

International Patent Classification (IPC) or both national classification and IPC
A61F13/15

Applicant
KLIPPEN, Michelle

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
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Tel. +49 89 2399 - 0 Tx: 523656 epmu d
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Authorized Officer

Settele, U

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/021098

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/021098

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,12,19
	No: Claims	1-4,6-11,13-18,20-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:
 - D1: US-B-6 475 1991 (GANN DIANA LYNNE ET AL) 5 November 2002 (2002-11-05)
 - D2: EP-A-0 354 172 (LEONE DEMETRIO) 7 February 1990 (1990-02-07)
 - D3: US-A-4 594 835 (GRAY ROY F) 17 June 1986 (1986-06-17)
 - D4: GB 627 218 A (INTERNAT CELLU COTTON PRODUCTS) 3 August 1949 (1949-08-03)
 - D5: GB-A-2 366 730 (MACNEIL MIRIAM CHRISTINA) 20 March 2002 (2002-03-20)
2. The subject-matter of the claims does not meet the requirements of Article 6 PCT.
- 2.1 Although claims 1,13 and 22 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,13,17 and 22 is not new in the sense of Article 33(2) PCT.
- 3.1 Concerning independent claim 1, document D1 discloses (the references in parenthesis applying to this document):
 - a compressed, individually packaged unused absorbent article (fig. 9; col. 16, l. 17-26), comprising:
 - a sealed package having an internal volume (col. 16, l. 36-46); and
 - a single, unused, absorbent article located in the internal volume, the absorbent article having a compressed state and uncompressed state, the sealed package holding the absorbent article in the compressed state (col. 16, l. 16-51).

Therefore, the subject-matter of claim 1 is not new in the sense of Article 33(2)

PCT.

D2 (col. 1, l. 37-col. 2, l. 34; col. 3, l. 16-18; col. 3, l. 55-57), D3 (col. 1, l. 8-28; col. 1, l. 63-col. 2, l. 9; col. 3, l. 1-4) and D4 (p. 1, l. 33-82; p. 2, l. 57-67) also disclose the subject-matter of independent claim 1.

3.2 Concerning independent claim 13, document D1 discloses (the references in parenthesis applying to this document):

- a compressed, individually packaged unused absorbent article (fig. 9; col. 16, l. 17-26), comprising:
- a single, unused, sanitary absorbent article having first and second form factors, the second form factor being substantially smaller than the first form factor (col. 16, l. 16-51); and
- a sealable package having an internal volume sized to receive the absorbent article when in the first form factor, and configured to be sealed with the absorbent article maintained in second form factor inside the package when sealed (col. 16, l. 36-46).

Therefore, the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.

D2 (col. 1, l. 37-col. 2, l. 34; col. 3, l. 16-18; col. 3, l. 55-57) and D3 (col. 1, l. 8-28; col. 1, l. 63-col. 2, l. 9; col. 3, l. 1-4) also disclose the subject-matter of independent claim 13.

3.3 Concerning independent claim 17, document D1 discloses (the references in parenthesis applying to this document):

- a method of compressing and packaging a single unused sanitary absorbent article in a sealable, compressible package (col. 1, l. 9-11), the method comprising:
- inserting a single unused sanitary absorbent article into the package (col. 15, l. 54-61);
- compressing the absorbent article to reduce the size of the absorbent article (col. 16, l. 16-26); and
- sealing the package, the sealed package maintaining the article in a compressed state (col. 16, l. 36-51).

Therefore, the subject-matter of claim 17 is not new in the sense of Article 33(2) PCT.

D2 (col. 1, l. 37-col. 2, l. 34; col. 3, l. 16-18; col. 3, l. 55-57; col. 4, l. 13-33) also disclose the subject-matter of independent claim 13.

3.4 Concerning independent claim 22, document D1 discloses (the references in parenthesis applying to this document):

- a compressed, individually packaged unused diaper (fig. 9; col. 16, l. 17-26) comprising:
- a sealed package comprised of airtight material (col. 16, l. 36-46);
- a folded diaper having compressed and uncompressed states wherein the compressed state occupies about 30% to about 70% less volume than the uncompressed state and the package maintains the absorbent article in the compressed state (col. 16, l. 16-51).

Therefore, the subject-matter of claim 22 is not new in the sense of Article 33(2) PCT.

D2 (col. 1, l. 37-col. 2, l. 34; col. 3, l. 16-18; col. 3, l. 55-57) also disclose the subject-matter of independent claim 13.

4. **DEPENDENT CLAIMS 2-12, 14-16, 18-21**

Dependent claims 2-11, 14-16, 18, 20, 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

D1 (col. 15, l. 54-col. 16, l. 51), D2 (col. 1, l. 37-col. 2, l. 34; col. 4, l. 13-33), D3 (col. 1, l. 8-28; col. 63-col. 2, l. 9), D4 (p. 1, l. 32-82; p. 2, l. 57-67) and D5 (p. 1) already disclose the subject-matter of dependent claims 2-12, 14-16 and 18-21.

5. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.

6. If the applicant should nevertheless proceed with the application, the applicant is kindly asked to observe the following requests:
- 6.1 The vague and imprecise statement "departing from the true spirit and scope of the present invention" in the description on page 9 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.
- 6.2 The terms "substantially" and "about" used in claims 6-8, 13-16 and 22 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.
- 6.3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 6.4 The units "Inch" on pages 7 and 8 are not additionally expressed in terms of the units stipulated by Rule 10.1/(a)/and/(b) PCT.
7. The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/021098

Any information the applicant may wish to submit concerning the subject-matter of the invention, for example further details of its advantages or of the problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply and not be incorporated into the application (Article 34(2)(b) PCT).